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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CORONAVIRUS REPORTER, CALID INC.,
PRIMARY PRODUCTIONS LLC, DR.
JEFFREY D. ISAACS, on behalf of
themselves and all others similarly situated

Plaintiffs,

v.

APPLE INC., FEDERAL TRADE
COMMISSION,

Defendants.

Case No. 3:21-CV-05567-EMC

**DECLARATION OF RACHEL S. BRASS IN
SUPPORT OF DEFENDANT APPLE INC.'S
ADMINISTRATIVE MOTION FOR AN
ORDER SUMMARILY DENYING
PLAINTIFF JEFFREY D. ISAACS'
MOTIONS FOR SANCTIONS OR, IN THE
ALTERNATIVE, SETTING A DEADLINE
FOR A SINGLE RESPONSE**

1 I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for
4 Defendant Apple Inc. (“Apple”) in this case. I submit this declaration in support of Apple’s
5 Administrative Motion For An Order Summarily Denying Plaintiff Jeffrey D. Isaacs’ Motions For
6 Sanctions Or, In the Alternative, Setting a Deadline For a Single Response. I have personal knowledge
7 of the facts stated below and, if called as a witness, I could and would testify competently thereto.

8 2. On January 25, 2022, I emailed counsel for Plaintiffs asking whether Plaintiffs would
9 stipulate to summary denial of Plaintiff Jeffrey D. Isaacs’ two pending motions for sanctions or, in the
10 alternative, to a deadline for a joint response to both motions fourteen days after any order denying
11 Apple’s request for summary denial. Counsel for Plaintiffs refused to answer whether Plaintiffs would
12 so stipulate, insisting that he does “not represent Dr. Isaacs,” despite explicit prior statements referring
13 to Isaacs as his “client.” As counsel, I cannot communicate directly with Isaacs for the reasons
14 explained in the letter filed in this Court at Docket Number 63, Exhibit 1. Accordingly, I was unable
15 to obtain a stipulation to the relief requested in this Motion. A true and correct copy of my email
16 exchange with counsel for Plaintiffs is attached hereto as **Exhibit A**. True and correct copies of the
17 attachments to my final email in that exchange are attached hereto as **Exhibits B–E**.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is true
19 and correct and that this Declaration was executed on January 25, 2022 at San Francisco, California.

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21 /s/ Rachel S. Brass
22 Rachel S. Brass
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